



Appeal Decision

Site visit made on 23 October 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2023

Appeal Ref: APP/M5450/D/22/3312446

161 Whitchurch Lane, Harrow, Edgware HA8 6QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Giran Gudka against the decision of London Borough of Harrow.
 - The application Ref P/2848/22/PRIOR, dated 28 July 2022, was refused by notice dated 13 September 2022.
 - The development proposed is described as, *'demolishing of existing part rear extension and replacing with part 3m and part 6 metre rear extension with 1 No rooflight'*.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO for prior notification for development described as, *'demolishing of existing part rear extension and replacing with part 3m and part 6 metre rear extension with 1 No rooflight'* at 161 Whitchurch Lane, Harrow, Edgware, HA8 6QS in accordance with the terms of the application, Ref P/2848/22/PRIOR, dated 28 July 2022, and the details submitted with it including; Existing Plans, Elevations and Location Plan Drawing No. 22019 PA 01.01; Proposed Elevations Drawing No. 22019 PA 04.01; Proposed Plans Drawing No. 22019 PA 02.01 pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Background and Main Issue

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
4. In that context, the main issue of the appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and the impact of the proposed development on the amenity of adjoining premises with regard to outlook and daylight/sunlight.

Reasons

5. The appeal property relates to a two-storey semi-detached dwelling which is enclosed by a tall fence to the rear which separates the property from its adjoining neighbour at 159 Whitchurch Lane (No 159) to the north-east. Neighbouring property No. 163 Whitchurch Lane (No 163) is located to the south-west being unattached from the appeal property and is separated by a shared driveway leading to detached garages to the rear. The rear garden areas of the appeal property and its neighbours are long and narrow.
6. The host property already benefits from a part width 3 metre single storey rear extension on its southwestern boundary along with a canopy feature covering the gap between the extension and the boundary fence. Further, it is undisputed that the appellant has previously submitted a householder notification application under reference P/1138/21/PRIOR where the Council deemed that prior approval was not required and I have had due regard to the drawings submitted which show a 3-metre extension full width and with a further rearward's projection on the shared drive side which is 6 metres deep.
7. The proposed development seeks to replace the existing part width single storey rear extension with a full width single storey rear extension which would be 6 metres in depth. The first 3 metres would sit against the boundary fence closest to No 159 and the last 3 metres would be set away from the boundary fence by 1 metre.
8. Whilst the proposed rear extension would span across the whole width of the rear elevation and would project further than the existing extension, it would remain to be single storey of a relatively low height. It would also comprise a relatively limited depth particularly when taking into account the length of the garden area which can accommodate a larger extension. Based on the evidence before me, there appears to be limited change from the previous scheme under reference P/1138/21/PRIOR with the main change being that the rearmost part of the extension would move slightly closer to the neighbouring property at No 159.
9. The extension would be visible from No 159. However, its low height and flat roof form ensures that the proposed development would not represent a visually overbearing feature for the existing occupiers of No 159 particularly when taking into account the previous scheme which also resulted in a 3-metre extension sitting along the boundary of the neighbouring property. This element would therefore remain unchanged. Moreover, the tall fence that currently exists along the boundary would help screen a large proportion of the extension and this, together with the proposed set back of part of the extension from the boundary would ensure that outlook would not be so severely restricted from the rear elevation and patio area of No 159. The orientation of No 159 and the positioning of the windows within the rear elevation also means that it has direct outlook over its rear garden area and outlook from inside the property would be at an angle where outlook would largely be retained.
10. Given the overall limited size and scale of the proposed development and the proposed set back of part of the extension, the proposed development

would not result in an unacceptable harm having regard to daylight/sunlight as any loss of daylight/sunlight would be limited to a small section of the garden space with the majority remaining unaffected. I am also sufficiently persuaded by the shadow model submitted and note that there is no firm evidence to the contrary. Moreover, any impact would not be significantly greater than that of the previous scheme under reference P/1138/21/PRIOR where the Council deemed that prior approval was not required.

11. I appreciate that due to the projection of the extension from the rear elevation, it would be a breach against the guidelines set out within the Harrow Council Residential Design Guide Supplementary Planning Document, 2010 (SPD). However, the proposed development does not conflict with the overall principle of the guidelines which amongst other matters, requires proposals to not cause unreasonable loss of amenity to neighbouring residents. Further, the officers' report explains that the SPD was published before the GPDO which indeed allows for a larger extension subject to limitations and conditions.
12. The Council has assessed the impact of the proposed development on the neighbouring property No 163. This property already benefits from a full width 3 metre single storey rear extension. As a result, only a limited proportion of the proposed extension would be readily visible and there is sufficient separation distance to ensure that the proposed development would not result in an unreasonable degree of harm in terms of outlook and daylight/sunlight. Based on the evidence in front of me and my own observations onsite, I have no reason to disagree with the Council's assessment in relation to No 163. I also agree with their assessment that the distance of the proposed extension from the common boundaries and orientation of the dwellings, that the proposed development would not lead to any harm in terms of outlook and daylight/sunlight upon the occupiers of the properties located to the rear of the appeal site.
13. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on the amenity of adjoining premises with regard to outlook and daylight/sunlight. It would therefore meet the requirements of Article 3, Schedule 2, Part 1, Class A of the GPDO. It would also accord with Policy DM 1 of the Harrow Council Development Management Policies, 2013 and the guidance contained within the SPD which together, amongst other matters, requires development to achieve a high standard of amenity.

Other Matters

14. In considering this appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, in particular the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

Conditions

15. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO is subject to the standard conditions set out in paragraph A.3 including that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

N Teasdale

INSPECTOR